

BRIAN SANDOVAL
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

Guy M. Wells, Chairman
Thomas "Jim" Alexander
Kevin E. Burke
Margaret Cavin
Joe Hernandez
Jan B. Leggett
Stephen P. Quinn



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING March 19, 2014

CALL TO ORDER:

Jonathan Andrews, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, March 19, 2014, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADJUDICATING COMMITTEE MEMBER:

Mr. Jan Leggett

ADMINISTRATIVE LAW JUDGE:

Mr. Jonathan Andrews, Esq.

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq., Legal Counsel
Mr. Richard Scotti, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on March 13, 2014, at Paseo Verde Library, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board's Internet Website.

ADJUDICATING COMMITTEE MEMBER: Jan Leggett

1. DISCIPLINARY HEARING: (Continued from February 5, 2014)

C. R. S. FLOORING COMPANY, INC., dba C. R. S. FLOORING COMPANY, INC.,
License Nos. 35032A, 73490

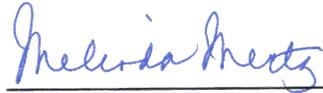
C. R. S. FLOORING COMPANY, INC., dba N. HANCE REVOLUTIONARY WOOD RENEWAL,
License No. 74097

Licensee was present and represented by counsel at the hearing, Michael B. Springer, Esq.

Hearing Officer Leggett took this matter under advisement.

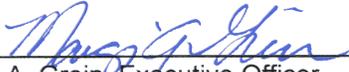
There was no further business to come before Hearing Officer Leggett.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Jan Leggett, Hearing Officer

ADMINISTRATIVE LAW JUDGE: Jonathan Andrews, Esq.

2. DISCIPLINARY HEARING:

ARROW AIR CONDITIONING & SHEET METAL, LLC, dba AIRE SERV OF LAS VEGAS,

License No. 53066

Licensee was present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit #1 – The Board’s Hearing file.

Exhibit #2 - The signed Settlement Agreement and Mutual Release between the Respondent and Angela and Tracy Ennen.

The following Licensee Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint dated February 10, 2014.

Exhibit B - Respondent’s additional exhibits received February 24, 2014.

Exhibit C - Respondent’s letter to the Board requesting a reduction of its license limit dated January 27, 2014.

ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State. Respondent was assessed a fine of \$1,000.00 for the Fourth Cause of Action and investigative costs of \$1,100.00. The First, Second, Third and Fifth Causes of Action were dismissed. Respondent was ordered to make restitution to Stacy Ennen in the amount of \$500.00. Respondent’s license limit shall be reduced to \$200,000.00. Mary Dille shall be removed as an indemnitor on license number 53066, Arrow Air Conditioning & sheet Metal, LLC, dba Aire Serv of Las Vegas. Fines, investigative costs and restitution are to be paid within thirty (30) days of the March 19, 2014 hearing or license number 53066, Arrow Air Conditioning & Sheet Metal, LLC, dba Aire Serv of Las Vegas shall be suspended.

3. DISCIPLINARY HEARINGS: (Continued from June 22, 2011, July 20, 2011, November 16, 2011, March 21, 2012, September 19, 2012, December 19, 2012, March 20, 2013, September 18, 2013)

SOUTHWEST STONE AND TILE, INC., License Nos. 46544, 46545

Licensee was present and represented by counsel at the hearing, Tennille Pereira, Esq.

ALJ Andrews continued the Respondent’s Probation and this matter for an additional three (3) months.

4. DISCIPLINARY HEARINGS: (Continued from January 22, 2014)

BARAJAS & ASSOCIATES, INC., License No. 69858

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit #1 – The Board’s Hearing file.

Exhibit #2 – Randal D. Shimon, Esq. letter to the Board dated March 12, 2014.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated November 8, 2013.

ALJ Andrews continued this matter for thirty (30) days.

5. DISCIPLINARY HEARINGS:

RISE & RUN, INC., License No. 46724

Licensee was present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated February 26, 2014.

ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for the Fourth Cause of Action and investigative costs of \$1,100.00. The Respondent was found in violation of the First Cause of Action; however a fine was not assessed. The Second and Third Causes of Action were dismissed. The Respondent was ordered to pay restitution to Bobby Dunn in the amount of \$13,500.00. The Respondent shall pay \$6,750.00 within 45 days and the remaining \$6,750.00 within 75 days of the March 19, 2014 hearing. The Respondent shall provide a current financial statement with bank verification form for all cash accounts that supports the license limit within thirty (30) days of the March 19, 2014 hearing. If the financial statement fails to support the current license limit, the license limit shall be lowered to the amount the financial statement supports. Fines and investigative costs are due within ninety (90) days of the March 19, 2014 hearing. If fines, investigative costs and restitution are not timely paid and a financial statement is not timely provided, license number 46724, Rise & Run, Inc. shall be suspended.

6. DISCIPLINARY HEARINGS: (Stipulated Revocation)

CHARLES OWEN CLARK, OWNER, dba CHARLES OWEN CLARK, License No. 71989

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's letter to the Board dated February 25, 2014.

ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts. Respondent was assessed a fine of \$750.00 for the First Cause of Action; a fine of \$1,000.00 for the Second Cause of Action; a fine of \$100.00 for the Third Cause of Action for total fines of \$1,850.00 and investigative costs of \$1,910.00. The Fourth Cause of Action was dismissed. License number 71989, Charles Owen Clark, Owner, dba Charles Owen Clark was revoked.

Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

7. DISCIPLINARY HEARINGS – DEFAULT ORDER:

a. C. M. C. MECHANICAL, INC., License No. 73802

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Andrews found Respondent C. M. C. Mechanical, Inc., license number 73802 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of one (1) violation of NRS 624.302(1)(a) contracting while the license was in a suspended status; one (1) violation of NRS 624.302(6) failure to comply with a written request from the Board; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of a change of address; one (1) violation of NRS 624.3013(4) failure to keep in force the bond for the full period required by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$250.00 for each of the Second and Fourth Causes of Action; a fine of \$100.00 for the Third Cause of Action; a fine of \$500.00 for the Fifth Cause of Action for total fines of \$2,100.00 and investigative costs of \$1,685.00. License number 73802, C. M. C. Mechanical, Inc. was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

b. ENERGYPROS COM, INC., License Nos. 61315, 77929, 78178

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Andrews found Respondent Energypros Com, Inc., license numbers 61315, 77929 and 78178 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of one (1) violation of NRS 624.3017(3) advertising projects of construction beyond the scope of the license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$100.00 for the First Cause of Action; a fine of \$500.00 for the Second Causes of Action; a fine of \$250.00 for the Third Cause of Action for total fines of \$850.00 and investigative costs of \$1,983.00. License numbers 61315, 77929 and 78178, Energypros Com, Inc. were revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by ALJ Andrews at 12:56 p.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Jonathan Andrews, Esq., Administrative Law Judge

